



W.P.(MD)No.16451 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 19.11.2024

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.(MD)No.16451 of 2018

Abraham Mathew

...Petitioner

-Vs-

1.The Chief Secretary to the Government of Tamil Nadu,
Town Panchayat and Water Supply Department,
St.George Fort,
Chennai – 600 009.

2.The District Collector,
Kanniyakumari District,
Nagercoil.

3.The Revenue Divisional Officer,
Nagercoil,
Kanniyakumari.

4.The Superintendent of Police,
Nagercoil,
Kanniyakumari District.

5.The Tahsildar,
Agantheeswaram Taluk,
Kanniyakumari District.

6.The Executive Officer,
Kanniyakumari Town Panchayat,
Kanniyakumari District.

...Respondents



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Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for all records relating to impugned order in Letter (Pa) No.203/Na.Ni/2018 dated 16.05.2018 passed by the 1st respondent thereby confirming the impugned order in C3/8569/2015 dated 19.06.2017 of the 2nd respondent and quash the same consequently direct the 2nd respondent to give permission to renovate the prayer house situated in Door No.17/126, H-1 consisting Survey No.527/2A Swamy Nathapuram, Kanyakumari Panchayat Union, Agastheeswaram Taluk, Kanyakumari District.

For Petitioner : Mr.Sarathi Chandran

For Respondents : Mr.S.Shanmugavel
Additional Government Pleader
for RR1 to 5
Mr.Aayiram K.Selvakumar
for R6

ORDER

This writ petition has been filed challenging the order passed by the first respondent dated 16.05.2018, thereby confirmed the order passed by the second respondent dated 19.06.2017, thereby rejected the request made by the petitioner seeking permission to renovate the prayer house situated in Door No. 17/126, H-1 consisting Survey No.527/2A, Swamy Nathapuram, Kanyakumari Panchayat Union, Agastheeswaram Taluk, Kanyakumari District.



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2.The petitioner's assembly built in Door No.17/26-H-1, Swaminathapuram, Kanyakumari Town Panchayat comprised in Survey No. 527/2A, Agastheeswaram Taluk, Kanyakumari District and it requires immediate renovation. Therefore, the petitioner submitted an application seeking permission to renovate the assembly.

3.On perusal of the records shows that the petitioner did not even obtain any permission or license to conduct the prayer in the subject property. On receipt of the several complaints from the said locality, inspection was made and found that there is no prayer hall in the name of renovation of the said assembly, the petitioner is trying to convert his resident into prayer house.

4.That apart, on perusal of the report submitted by the Superintendent of Police, Nagercoil, dated 09.03.2017, the Pudhuvazhvu AG Sabai now functioning in Survey No.527/2A, Kanniyakumari Village, Agatheshwaram Taluk reveals that in the same locality, more than 300 other religious people are residing and therefore, there will be law and order problem, if the request of the petitioner for renovation from residents to Church.



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5. Further, as per G.O.Ms.No.916, Public (Law and Order) Department, dated 29.04.1986 issued on the findings of the report submitted by the Commission which was formed to enquire sequel to the clashes occurred between the Hindu and the Christians and the resultant firing at Mondicaudu, it was recommended that creation of worship places of different religions and the public worship place in close proximity shall be prohibited. Therefore, the request made by the petitioner was rightly rejected on these grounds.

6. In view of the above, this Court finds no infirmity or illegality in the order passed by the first respondent and this writ petition is devoid of merits and is liable to be dismissed. Accordingly, this writ petition stands dismissed. No costs.

19.11.2024

Internet: Yes
Index : Yes/No
Speaking/Non Speaking order
RJR



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RJR

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